

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

<p>TOD M. DERICCO,</p> <p style="text-align: center;">Plaintiff(s),</p> <p style="text-align: center;">vs.</p> <p>C. R. BARD, INC.; BARD PERIPHERAL VASCULAR, INCORPORATED,</p> <p style="text-align: center;">Defendant(s).</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Case #3:20cv-00246-MMD-BNW</p> <p>VERIFIED PETITION FOR PERMISSION TO PRACTICE IN THIS CASE ONLY BY ATTORNEY NOT ADMITTED TO THE BAR OF THIS COURT AND DESIGNATION OF LOCAL COUNSEL</p> <p>FILING FEE IS \$250.00</p>
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Casey Shpall
(name of petitioner), Petitioner, respectfully represents to the Court:

1. That Petitioner is an attorney at law and a member of the law firm of

Greenberg Traurig, LLP
(firm name)

with offices at _____, 1144 15th Street, Suite 3300 _____,
(street address)

Denver _____, Colorado _____, 80202 _____,
(city) (state) (zip code)

303-572-6500 _____, shpallc@gtlaw.com _____.
(area code + telephone number) (Email address)

2. That Petitioner has been retained personally or as a member of the law firm by
C. R. Bard, Inc., Bard Peripheral Vascular, Inc. to provide legal representation in connection with

[client(s)]

the above-entitled case now pending before this Court.

3. That since October 26, 1981, Petitioner has been and presently is a
 (date)
 member in good standing of the bar of the highest Court of the State of Colorado
 (state)
 where Petitioner regularly practices law. Petitioner shall attach a certificate from the state bar or
 from the clerk of the supreme court or highest admitting court of each state, territory, or insular
 possession of the United States in which the applicant has been admitted to practice law certifying
 the applicant's membership therein is in good standing. **See Exhibit A**

4. That Petitioner was admitted to practice before the following United States District
 Courts, United States Circuit Courts of Appeal, the Supreme Court of the United States and Courts
 of other States on the dates indicated for each, and that Petitioner is presently a member in good
 standing of the bars of said Courts.

Court	Date Admitted	Bar Number
United States Supreme Court	January 14, 2000	
U.S. Court of Appeals for District of Columbia	March 13, 1981	
U.S. Court of Appeals for the Tenth Circuit	April 21, 1982	
U.S. Court of Appeals for the Ninth Circuit	December 2, 1982	
United States District Court, District of Colorado	October 28, 1981	
State of Colorado	October 16, 1981	11538

5. That there are or have been no disciplinary proceedings instituted against petitioner,
 nor any suspension of any license, certificate or privilege to appear before any judicial, regulatory
 or administrative body, or any resignation or termination in order to avoid disciplinary or
 disbarment proceedings, except as described in detail below:

None

6. That Petitioner has never been denied admission to the State Bar of Nevada. (Give particulars if ever denied admission):

None

7. That Petitioner is a member of good standing in the following Bar Associations.

None

8. Petitioner has filed application(s) to appear as counsel under Local Rule IA 11-2 (formerly LR IA 10-2) during the past three (3) years in the following matters: (State "none" if no applications.)

Date of Application	Cause	Title of Court Administrative Body or Arbitrator	Was Application Granted or Denied
See Exhibit B			
See Exhibit C			

(If necessary, please attach a statement of additional applications)

9. Petitioner consents to the jurisdiction of the courts and disciplinary boards of the State of Nevada with respect to the law of this state governing the conduct of attorneys to the same extent as a member of the State Bar of Nevada.

10. Petitioner agrees to comply with the standards of professional conduct required of the members of the bar of this court.

11. Petitioner has disclosed in writing to the client that the applicant is not admitted to practice in this jurisdiction and that the client has consented to such representation.

1 That Petitioner respectfully prays that Petitioner be admitted to practice before this Court
 2 FOR THE PURPOSES OF THIS CASE ONLY.

3
 4 STATE OF Colorado)
 5 COUNTY OF Denver)
 6

Casey Shpall
 Petitioner's signature

7 Casey Shpall, Petitioner, being first duly sworn, deposes and says:
 8 That the foregoing statements are true.

9
 10 Subscribed and sworn to before me this

Casey Shpall
 Petitioner's signature

11 20th day of July, 2020.
 12
 13 [Signature]
 14 Notary Public or Clerk of Court

CYNTHIA KNOWLES
 Notary Public
 State of Colorado
 Notary ID # 20094010390
 My Commission Expires 03-31-2021

15
 16 **DESIGNATION OF RESIDENT ATTORNEY ADMITTED TO**
 17 **THE BAR OF THIS COURT AND CONSENT THERETO.**

18 Pursuant to the requirements of the Local Rules of Practice for this Court, the Petitioner
 19 believes it to be in the best interests of the client(s) to designate Eric W. Swanis,
 20 (name of local counsel)
 21 Attorney at Law, member of the State of Nevada and previously admitted to practice before the
 22 above-entitled Court as associate resident counsel in this action. The address and email address of
 23 said designated Nevada counsel is:

24 Greenberg Traurig, LLP, 10845 Griffith Peak Drive, Suite 600,
 25 (street address)
 26 Las Vegas, Nevada, 89135,
 27 (city) (state) (zip code)
 28 702-792-3773, swanise@gtlaw.com,
 (area code + telephone number) (Email address)

1 By this designation the petitioner and undersigned party(ies) agree that this designation constitutes
2 agreement and authorization for the designated resident admitted counsel to sign stipulations
3 binding on all of us.

4
5 **APPOINTMENT OF DESIGNATED RESIDENT NEVADA COUNSEL**

6
7 The undersigned party(ies) appoint(s) Eric W. Swanis as
8 (name of local counsel)
his/her/their Designated Resident Nevada Counsel in this case.

9
10 /s/ Greg A. Dadika
11 (party's signature)

12 Greg A. Dadika, Associate General Counsel, Litigation
13 (type or print party name, title)

14 (party's signature)

15 (type or print party name, title)
16

17 **CONSENT OF DESIGNEE**

18 The undersigned hereby consents to serve as associate resident Nevada counsel in this case.

19 /s/ Eric W. Swanis

20 Designated Resident Nevada Counsel's signature

21 6840

22 Bar number

swanise@gtlaw.com

Email address

23 APPROVED:

24 Dated: this 21st day of July, 2020.

25 

26 UNITED STATES DISTRICT JUDGE
27

CERTIFICATE OF SERVICE

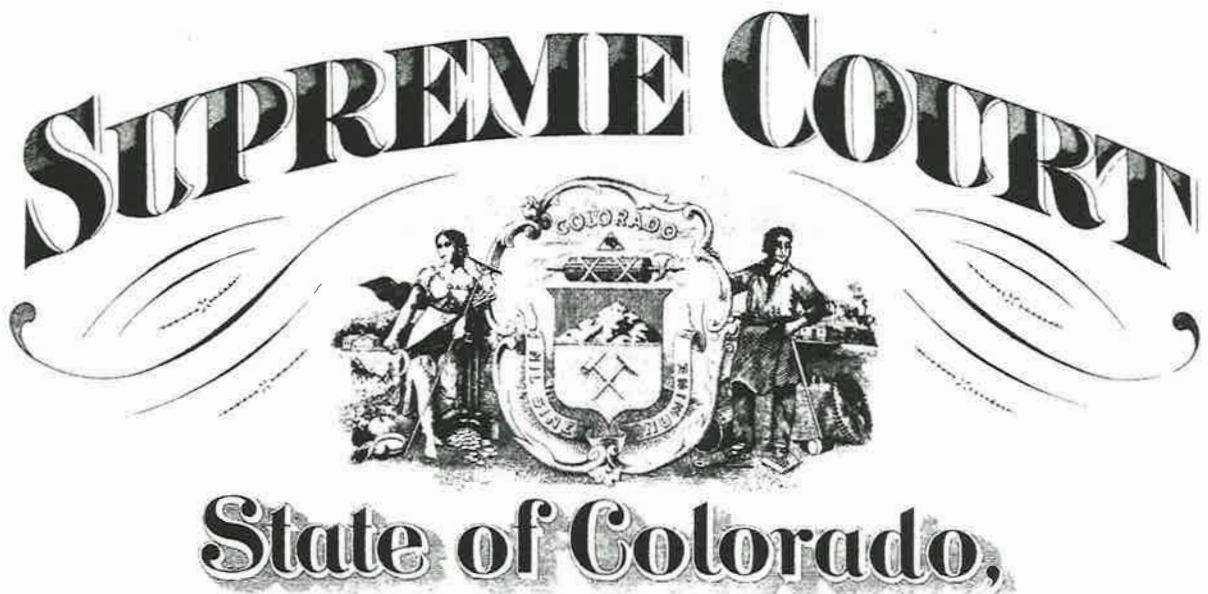
I hereby certify that on **July 20, 2020**, I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the CM/ECF participants registered to receive such service.

/s/ Evelyn Escobar-Gaddi

An employee of GREENBERG TRAURIG, LLP

GREENBERG TRAURIG, LLP
10845 Griffith Peak Drive
Suite 600
Las Vegas, Nevada 89135
Telephone: (702) 792-3773
Facsimile: (702) 792-9002

EXHIBIT A



STATE OF COLORADO, ss:

I, Cheryl Stevens Clerk of the Supreme Court of the State of Colorado, do hereby certify that

CASEY SHPALL

has been duly licensed and admitted to practice as an

ATTORNEY AND COUNSELOR AT LAW

within this State; and that his/her name appears upon the Roll of Attorneys and Counselors at Law in my office of date the 26th

day of October A. D. 1981 and that at the date hereof the said CASEY SHPALL

is in good standing at this Bar.



IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the Seal of said Supreme Court, at Denver, in said State, this

17th day of June A. D. 2020

Cheryl Stevens

Clerk

By

Deputy Clerk



Certificate of Good Standing and No Disciplinary History

United States District Court
District of Colorado

I, Jeffrey P. Colwell, Clerk of the United States District Court
DO HEREBY CERTIFY

CASEY ANN SHPALL

was admitted to practice in this court on
October 28, 1981
and is in good standing with no disciplinary history.

Dated: June 17, 2020

Jeffrey P. Colwell, Clerk

EXHIBIT B

EXHIBIT B

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA
Casey Shpall's Filed Petitions for Permission to Practice
in This Case Only by Attorney Not Admitted to the Bar of This Court

CASE NAME/STATUS	CASE #	DATE FILED/GRANTED [DOC NO.]
Christensen v. C. R. Bard, Inc., et al./	2:19-cv-01883-RFB-BNW	Filed 11/15/19 [14]; Granted 11/25/19 [20]
Collins v. C. R. Bard, Inc., et al./	2:19-cv-01864-RFB-BNW	Filed 11/15/19 [11]; Granted 11/25/19 [18]
Giambra v. C. R. Bard, Inc., et al./	2:19-cv-01580-APG-BNW	Filed 10/4/19 [16]; Granted 10//19 [18]
Hammes v. C. R. Bard, Inc., et al./ Dismissed	2:19-cv-01588-RFB -BNW	Filed 10/4/19 [15]; Granted 10/9/19 [17]
Kunkle v. C. R. Bard, Inc., et al./ Dismissed	2:19-cv-01871-APG-BNW	Filed 11/15/19 [16]; Granted 11/15/19 [18]
Perry v. C. R. Bard, Inc., et al./	2:19-cv-01570-APG-BNW	Filed 10/4/19 [15]; Granted 10/7/19 [18]
Rogers v. C. R. Bard, Inc., et al./	2:19-cv-01581-APG-BNW	Filed 10/4/19 [14]; Granted 10/7/19 [17]
Singer v. C. R. Bard, Inc., et al.	2:19-cv-01579-JCM-BNW	Filed 10/4/19 [11]; Granted 10/9/19 [13]
Smith v. C. R. Bard, Inc., et al./ Dismissed	2:19-cv-01576-RFB-BNW	Filed 10/4/19 [13]; Granted 10/31/19 [18]
Torres v. C. R. Bard, Inc., et al./	2:19-cv-01582-KJD-BNW	Filed 10/4/19 [14]; Granted 11/13/19 [19]
Wilson-Davis v. C.R. Bard, Inc./ Dismissed	2:19-cv-01881-JCM-BNW	Filed 11/15/19 [9]; Granted 11/22/19 [13]
Derrico v. C. R. Bard, Inc., et al.	3:20-cv-00246-MMD-BNW	Filed 07/20/20
Gita v. C. R. Bard, Inc., et al.	3:20-cv-00252-MMD-BNW	Filed 07/20/20
Harris v. C. R. Bard, Inc., et al.	2:20-cv-00612-JCM-BNW	Filed 07/20/20
Lynch v. C. R. Bard, Inc., et al.	2:20-cv-00616-KJD-BNW	Filed 07/20/20
McCown v. C. R. Bard, Inc., et al.	2:20-cv-00603-RFB-BNW	Filed 07/20/20

EXHIBIT C

EXHIBIT C

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

TOD M. DERICCO,

Plaintiff,

v.

C. R. BARD, INCORPORATED and BARD
PERIPHERAL VASCULAR,
INCORPORATED,

Defendants.

CASE NO. 3:20-CV-00246-MMD-BNW

**AFFIDAVIT IN SUPPORT OF
VERIFIED PETITION FOR
PERMISSION TO PRACTICE IN THIS
CASE ONLY BY ATTORNEY NOT
ADMITTED TO THE BAR OF THIS
COURT AND DESIGNATION OF
LOCAL COUNSEL**

GREENBERG TRAURIG, LLP
10845 Griffith Peak Drive
Suite 600
Las Vegas, Nevada 89135
Telephone: (702) 792-3773
Facsimile: (702) 792-9002

STATE OF COLORADO)

)

ss:

)

COUNTY OF DENVER)

I, CASEY SHPALL, being first duly sworn upon my oath, depose and state as follows:

1. I file this Affidavit pursuant to Local Rule IA 11-2(f)(2). I am an attorney with the law firm of Greenberg Traurig, LLP ("GT"). GT was retained by Defendants. R. Bard, Inc. and Bard Peripheral Vascular, Inc. (collectively "Defendants" or "Bard") to provide them legal representation for the many cases remanded to this District, and hundreds of others remanded in other states, from the Multi-District Litigation proceeding styled *In re: Bard IVC Filter Litigation*, No. 2:15-MD-02641-DGC, pending before Senior Judge David Campbell of the District of Arizona (the "MDL").

1 To date, there have been three rounds of remands from the District of Arizona MDL
2 to the District of Nevada. In the first round of remands on August 20, 2019, fourteen (14)
3 cases were remanded to this District. In the second round of remands on October 17, 2019,
4 ten (10) cases were remanded to this District. In the third round of remands on March 20,
5 2020, thirteen (13) cases were remanded to this District. The above-captioned case was in
6 the third round of remands to this District. *See Second Amended Suggestion of Remand and*
7 *Transfer Order (Third)* (Dkt. 5.) More remands are expected in the future.

8 2. I am a member in good standing of the State Bar of Colorado, where I regularly
9 practice law. I am also admitted to practice before the United States District Court for the
10 District of Colorado, several U.S. Circuit Courts of Appeal, and the U.S. Supreme Court. *See*
11 *Verified Petition, No. 4.*

12 3. I am co-counsel in this action and several of the other MDL remands to this
13 Court with Eric W. Swanis, who is a member of the State Bar of Nevada and a GT shareholder
14 who resides and practices law in Nevada.

15 4. Due to the number and timing of the MDL remands to this Court, I have filed
16 numerous applications to practice *pro hac vice* before this Court under Local Rule IA 11-2.
17 I have identified all actions in which I have filed *pro hac vice* applications to appear as counsel
18 during the past three years. *See Verified Petition, Exhibit B.* All these actions are remands
19 from the MDL.

20 5. My firm has extensive experience in medical device products liability actions
21 and represents Bard in remands of IVC filter litigation across the country. I also have had
22 extensive interactions with client representatives concerning the facts underlying this matter
23 and am familiar with the facts and client-specific legal strategies pertinent to this litigation.

24 6. The granting of my Verified Petition serves the ends of justice by ensuring that
25 the interests of Bard are thoroughly represented by the persons most knowledgeable about the
26 litigation.

27 7. I therefore submit this Affidavit to establish special circumstances and good
28 cause to permit Bard to be defended in this matter by its counsel of choice. In my judgment,
Bard would be deprived of these benefits if I were unable to represent it in this litigation.

Casey Shpall
CASEY SHPALL, ESQ.

CYNTHIA KNOWLES
Notary Public
State of Colorado
Notary ID # 20094010390
My Commission Expires 03-31-2021